

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

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|-----------------------------|---|-----------|
| THOMAS BROWN, et al., |) | |
| |) | |
| Plaintiffs, |) | |
| |) | |
| v. |) | 1:13CV255 |
| |) | |
| WESTERN SKY FINANCIAL, LLC, |) | |
| et al., |) | |
| |) | |
| Defendants. |) | |

ORDER

This matter is before the court on Plaintiffs' Motion to Amend (Doc. 42). Defendants have responded and consent to the Motion to Amend. (Doc. 45.) Having considered the motion and for good cause shown,

IT IS HEREBY ORDERED that the motion to amend (Doc. 42) is **GRANTED** and Plaintiffs shall have ten (10) days from the date of this Order to file and serve its First Amended Complaint.

IT IS FURTHER ORDERED that Defendants shall file their answer or other response to the First Amended Complaint within thirty days of the entry of this Order.

Defendants' Response to Motion to Amend (Doc. 45) addressed other pending motions in this matter. The court has considered Defendants' response, which reflects Plaintiffs' position on the various motions. Defendants' response, and the parties'

agreements, were most helpful in determining the procedural posture of various motions should the motion to amend be allowed. The court finds that the various motions should be addressed as described by Defendants.

IT IS FURTHER ORDERED that Defendants' Motion to Dismiss Pursuant to Rules 12(b)(2), (3), and (6) of the Federal Rules of Civil Procedure (Doc. 31); Defendants' Motion to Stay Proceedings and Compel Arbitration (Doc. 33); and Plaintiffs' Motion Requesting Discovery on Preliminary Issues (Doc. 38) are hereby deemed withdrawn. These motions are withdrawn without prejudice to the moving party to re-file such motions.

IT IS FURTHER ORDERED that Plaintiffs' Motion for Class Certification (Doc. 41) is hereby held in abeyance and further briefing is stayed. Within thirty days of Defendants' filing of their response to the First Amended Complaint, Plaintiffs shall file an amended motion for class certification and supporting brief, or within that time, file a notice that they wish to rely on the originally filed motion for class certification and supporting brief. Defendants may then respond to the brief and Plaintiffs may reply, or, if either party believes briefing should be further stayed, they may move accordingly at that time and the court will consider the motion.

This the 12th day of August, 2013.

William L. Ostun, Jr.
United States District Judge